

traverses the rejection because the Official Action has not established an anticipation rejection.

As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The Applicant respectfully submits that an anticipation rejection cannot be maintained against the independent claims of the present application. The Official Action asserts that Spivey discloses reading first and second calibration sheets to obtain first and second image signals of each of a plurality of pixels by using a photoelectric conversion element (pages 2-3, Paper No. 02262002). The Official Action appears to rely on column 15, lines 23-25 of Spivey to support this assertion. The Applicant respectfully disagrees.

Spivey appears to disclose "the acquisition of eight dark field images with the x-ray source 4 turned off and eight white field images, acquired with a 2 cm thick sheet of Lucite on the breast tray 205 and illuminating the full format sensor 194 with x-ray source 4" (column 15, lines 23-27). However, Spivey does not teach reading a calibration sheet, either explicitly or inherently.

Since Spivey does not teach all the elements of the independent claims, either explicitly or inherently, an anticipation rejection cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 are in order and respectfully requested.

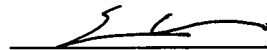
Paragraph 3 of the Official Action rejects claims 2, 4, 6, 8, 10, 12 and 14 as obvious based on the combination of Spivey and the Baxes article (Baxes, Gregory A., Digital Image Processing, 1994, John Wiley & Sons, Inc., ISBN 0-471-00949-0, page 82). The Applicant respectfully traverses the rejection because the Official Action has not made a *prima facie* case of obviousness.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Please incorporate the arguments above with respect to the deficiencies in Spivey. Baxes does not cure the deficiencies in Spivey. The Official Action relies on Baxes to allegedly teach "calculating a ratio between the first and second image signals of each of the plurality of pixels" (page 6, Paper No. 02262002). However, Spivey and Baxes, either alone or in combination, do not teach or suggest reading a calibration sheet. Since Spivey and Baxes do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



---

Eric J. Robinson  
Reg. No. 38,285

Robinson Intellectual Property Law Office, P.C.  
PMB 955  
21010 Southbank Street  
Potomac Falls, Virginia 20165  
(571) 434-6789